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FILED UNDER SEAL

April 1, 2020

Via Email

The Honorable Kimba M. Wood
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street, Room 1910
New York, New York 10007-1312

Re: *United States v. Dean Skelos,*
S1 15 Cr. 317 (KMW)

Dear Judge Wood:

As Your Honor knows, we represent Dean Skelos. We write in response to Your Honor's letter dated April 1, 2020 requesting (1) information about the risk of COVID-19 at the home where Mr. Skelos would be confined and (2) the parameters for Supervised Release that should be imposed by the Court.

If Mr. Skelos were to be released to home confinement, we submit it would present a far safer environment for him to avoid COVID-19 than FCI Otisville. Mr. Skelos' wife, Gail, has been practicing home quarantine with her sister in Albany for the last four weeks. Neither Gail, nor her sister, has shown any symptoms of COVID-19, nor has either come into contact with anyone diagnosed with the virus. They have not left the home for any inessential purposes during

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that period and have only left to perform modest grocery shopping. We understand they have been diligent in practicing social distancing while purchasing necessary supplies. If Mr. Skelos were to be released, Gail would pick him up in her own car from FCI Otisville and drive him directly to the couple's home in Rockville Centre, New York. No one else resides in the home. Mr. Skelos would then endure a fourteen-day self-quarantine restricted to a single bedroom within the home itself to ensure both his and Gail's safety. After that, Gail would perform all essential functions outside the home, including grocery shopping, while exercising the utmost care to maintain social distancing. The home would remain closed to all outsiders for any purpose for so long as the New York State on PAUSE measures remain in effect.

As of this writing, the Bureau of Prisons ("BOP") has reported that 57 inmates in Federal Correctional Facilities and 37 staff members have tested positive for COVID-19.¹ And undoubtedly others have had the disease without symptoms or with minimal symptoms. While BOP has instituted a quarantine lockdown for the next 14 days, such measures are not available at the satellite camp at FCI Otisville because the facility's housings are dormitory-style. Further, prisoners remain at risk during meals and during social time. Concerningly, newly publicized research indicates that risks of spread may actually be greater than we had understood just a few days ago.² Lydia Bourouiba, an expert in the fluid dynamics of disease transmission and a professor at MIT, explains that six feet may be insufficient social distancing to stop the spread of COVID-19 because virus particles can travel as far as 23-27 feet, and that N95 masks may be

¹ <https://www.bop.gov/coronavirus/>

² <https://www.bostonglobe.com/2020/03/31/nation/six-foot-rule-protect-against-coronavirus-is-questionable-mit-professor-says/>

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rendered ineffectual by regular sneezes or coughs by a wearer.³ Accordingly, the best chance to ensure Mr. Skelos' health especially considering his age and heightened risk factors remains allowing him to quarantine in his home.

Mr. Skelos would fully comply with whatever terms of home confinement the Court and Probation Office deem appropriate.

Respectfully submitted,

/s/ G. Robert Gage Jr. _____

G. Robert Gage, Jr.

/s/ Alexandra Shapiro _____

Alexandra Shapiro

Shapiro Arato Bach LLP

cc: All Counsel of Record (via email)

Chief Probation Officer Michael Fitzpatrick (via email)

³ <https://jamanetwork.com/journals/jama/fullarticle/2763852>